

ATTACHMENT A
DESCRIPTION OF COUNT
COUNT 1

Theft from Interstate Shipment

On about and between June 26, 2024 and June 27, 2024, in the District of Arizona and elsewhere, Defendant FRANCISCO JAVIER HURTADO-TRASVINA and JUAN PABLO MARTINEZ-MANCINAS knowingly possessed goods and chattels, to wit: Nike Shoes, of a value in excess of \$1000.00, which had been stolen from a BNSF train while moving in interstate commerce from California to Arizona, knowing the said goods and chattels to be stolen.

All in violation of Title 18, United State Code, Section 659.

ATTACHMENT B

STATEMENT OF PROBABLE CAUSE

I, Chris Foster, a Special Agent for Homeland Security Investigations (HSI), being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with HSI and have been so employed since December 1997. I have a Bachelor of Science in Criminal Justice from California State University Sacramento. I am a law enforcement officer of the United States, and I am empowered by law to conduct criminal investigations, make arrests, and serve search and arrest warrants.

2. As a Special Agent with HSI, your Affiant investigates criminal violations of United States law, including import and export violations, controlled substances law violations, and money laundering violations. Your Affiant has participated in hundreds of investigations involving stolen vehicle organizations, theft ring investigations, possession, manufacture, distribution, and importation of controlled substances, as well as methods used to finance drug transactions. As an HSI Special Agent, your Affiant has been trained in conducting narcotics and money laundering investigations and received specialized training concerning violations of the Controlled Substances Act contained within Title 21 of the United States Code. I am currently assigned to the HSI Flagstaff Office located in Flagstaff, Arizona, where we investigate transnational criminal organizations to include money laundering and drug trafficking organizations operating throughout the United States.

3. By virtue of my employment as a Special Agent, your Affiant has performed various tasks, which include, but are not limited to:

- a. functioning as a surveillance agent, thus observing and recording movements of persons involved in violations of United States Code as well as violations of Arizona State law;

- b. interviewing witnesses, confidential reliable informants (CIs) and sources of information (SOI) relative to the violations of United States Code as well as violations of Arizona State law;
- c. functioning as a case agent, entailing the supervision of specific investigations involving various crimes throughout the United States; and
- d. conducting complex investigations involving transnational criminal organizations committing various crimes throughout the United States.

4. I have consulted with other experienced investigators concerning the practices of transnational criminal organizations and the best methods of investigating them. In preparing this affidavit, I have conferred with other Special Agents and law enforcement officers. Furthermore, I have personal knowledge of the following facts or have learned them from the individual(s) mentioned herein.

5. Based on the below facts, your Affiant submits there is probable cause that Francisco Javier HURTADO-TRASVINA and Juan Pablo MARTINEZ-MANCINAS committed the crime of Possession or Receipt of Goods Stolen from Interstate Shipment, in violation of Title 18, United States Code (U.S.C.) § 659.

BACKGROUND

6. Over the past fifteen years, several Transnational Criminal Theft Organizations have been burglarizing Burlington Northern Santa Fe (BNSF) Railway as well as Union Pacific trains throughout the Southwest of the United States to include Arizona. These organizations consist primarily of Mexican citizens from the Mexican State of Sinaloa who operate out of Arizona and California, with extensive connections throughout California, Arizona, and New Mexico. The train burglaries have increased in frequency over the past two years.

7. The suspects usually scout high value containers on the BNSF railway on Eastbound trains that parallel Interstate 40 near Needles, California. Once the organization targets a particular train of interest, they typically find a location for several train burglars to get on the train. Once on the train, the burglars open container doors while the train is

moving and target merchandise to steal such as electronics, tools, and footwear. The burglars often target containers with visible high-security locks and use reciprocating saws, bolt-cutters, or similar tools to defeat the locking mechanisms. Once the burglars target a specific container that has desirable merchandise, the burglars on the train communicate with follow vehicles utilizing cellular devices, and those follow vehicles surveil the train until it stops, or the burglars will cause the train to stop to unload the freight. The suspects often cut the train braking system air hose, which causes the train to go into an emergency stop (commonly referred to as “UDE”), which is a sudden and dramatic application of all the brakes on the train. By cutting an air hose, the burglars can control when and where the train is stopped to unload the cargo they target to burglarize. This act is very dangerous and can cause a train to derail, which could ultimately cause serious injury or death to BNSF employees or citizens. The suspects have also sabotaged the train signal system by cutting the locks off signal boxes and then by cutting the control wires inside. This is also a dangerous act that creates dark areas on the rail network, requiring non-traditional train dispatching functions and extensive repairs. High-value trains travel at speeds up to 70 MPH on multiple tracks in both east and west directions. The train crews and train dispatchers rely on the signals for safe transportation.

8. Once the burglars unload the merchandise from the container that is on the train, the burglars often hide the product in fields or brush adjacent to the BNSF tracks to conceal it until it can be picked up later. The location of the stolen merchandise is then shared by the train burglars with the use of cellular devices to the surveillance crew who are following the train. The organization will then send box trucks to pick up the stolen merchandise if law enforcement is not detected. Often, the box trucks used by the organization were found to have been stolen with their Vehicle Identification Number (VIN) swapped. Once the stolen merchandise has been picked up, it is usually transported to California where it is sold or fenced to wholesale online retailers such as third-party Amazon and eBay resellers.

CURRENT INVESTIGATION

9. On June 27, 2024, BNSF Special Agent (SA) Derrick Porter told your Affiant the following information:

- a. BNSF SA Porter learned that on the morning of June 27, 2024, at approximately 02:20 a.m., BNSF train QLACLPC626 stopped west of Bellemont, Arizona, near railroad milepost 360 for approximately 25 minutes and during that time, container MEDU9542371 appeared to have been burglarized.
- b. BNSF SA Porter learned container MEDU9542371 was inspected in Belen, New Mexico. BNSF Agents discovered that MEDU9542371 was three-quarters empty.

10. Later, a contract employee for Nike, identified as Bobby Motley, indicated that they had technology in one of the individual Nike master cases that had separated from container MEDU9542371 west of Bellemont, Arizona. It appeared the technology separated from container MEDU9542371 in early morning hours of June 27, 2024. At approximately 5:55 a.m., the technology appeared to be near Seligman, Arizona. At approximately 6:55 a.m., the technology appeared to be near Kingman, Arizona. At approximately 8:26 a.m., the technology appeared to be in California traveling Westbound on Interstate 40.

11. Your Affiant conducted Department of Homeland Security import research related to container MEDU9542371 and learned the following:

On June 2, 2024, container MEDU9542371 was shipped on the Motor Vessel Gunhilde MAERSK 421N from Fuzhou, China, and arrived at the Los Angeles, California, Seaport on June 17, 2024, then was transferred to BNSF for transportation along the Transcon to Chicago, Illinois.

12. Nike Investigator Francis Hardiman told your Affiant the Nike shoes that were inside MEDU9542371 are an unreleased Air Jordan White Thunder model number

FQ8138-001 with a resale value of \$215.00 per pair. Nike Investigator Hardiman told your Affiant the release date for Air Jordan White Thunder will be August 24, 2024. MEDU9542371 was destined for Chicago, Illinois.

13. On June 27, 2024, at approximately 10:00 a.m. Coconino County Sheriff's Office (CCSO) Deputy Curtis Peery went to the location where the BNSF Burglary occurred, and your Affiant learned the following:

- a. Upon arrival to the BNSF burglary site, Deputy Peery knew that in the past week there had been several inches of rain in the area around the burglary site and that area was muddy and should have been undisturbed.
- b. Upon arrival to the BNSF burglary site, Deputy Peery observed dually-axle tracks that backed up to a tree line area adjacent to the BNSF railway and that area is known to be used by BNSF burglar crews.
- c. Deputy Peery observed four Nike shoe boxes with model number FQ8138-001 on the Nike shoe box. The four Nike shoe boxes were located under the same tree line at the end of the dually-axle tracks. Three of the Nike shoe boxes were empty and the fourth had one Nike shoe inside of it. Deputy Peery located a piece of paper next to the four Nike shoe boxes. The piece of paper had the container number written on it. Deputy Peery then observed multiple abandon Aquafina plastic water bottles near the tree line.
- c. Deputy Peery observed obvious ground disturbance between the BNSF railway where the Nike shoe boxes were thrown from the tree line. Deputy Peery took photos of the dually-axle tracks, and property at the location and collected the property for future fingerprint analysis.

14. On June 27, 2024, your Affiant requested the assistance of the California Highway Patrol in locating the vehicle that was transporting the stolen Nike shoes.

15. Your Affiant learned that approximately 10:15 p.m. California Highway Patrol Officers observed a white box truck later identified as a F350 bearing Arizona

license plate ERA53S was westbound on Interstate 40 near Barstow, California.

16. California Highway Patrol Officer stopped the Ford F350 box truck near a Pilot Travel Center located at 2591 Commerce Parkway, Barstow, California. During the traffic stop, California Highway Patrol Officers contacted the occupants identified as the Francisco Javier HURTADO-TRASVINA (driver) and Juan Pablo MARTINEZ-MANCINAS (passenger).

17. Your Affiant received several pictures that were taken of HURTADO-TRASVINA and MARTINEZ-MANCINAS. Your Affiant observed MARTINEZ-MANCINAS was wearing a pair of the same unreleased Nike shoes that were burglarized from MEDU9542371. Your Affiant also observed MARTINEZ-MANCINAS shoes were caked with mud consistent with the mud from the burglary site. Your Affiant also observed the Ford F350 was a dully-truck and the rear of the box truck access steps to the cargo area and the wheel wells were riddled with mud. Your Affiant learned that during the traffic stop, California Highway Patrol Officers, after obtaining consent from HURTADO-TRASVINA, opened the cargo area of the Ford F350 box truck and observed Nike master cases filling the entirety of the box truck.

18. Your Affiant learned the same Nike shoes that were stolen from MEDU9542371 with model number FQ8138-001 filled the entire box truck. Your Affiant believes that based on the truck size, there are approximately 180 Nike master cases inside the box truck. Your Affiant knows there are 6 pairs of Nike shoes inside each Nike master case and the total loss value was identified as \$232,200.

19. Your Affiant knows that the Ford F350 box truck is registered Juan Carlos Hurtado-Trasvina out of Mesa, Arizona, and he is a known member of a BNSF burglary crew. Your Affiant knows Juan Carlos Hurtado-Trasvina is the brother of HURTADO-TRASVINA.

20. Your Affiant knows that in October of 2023, Juan Carlos Hurtado-Trasvina was encountered in Peach Springs, Arizona, during a BNSF train burglary event. Prior to the June 27, 2024, BNSF train burglary event, your Affiant learned that Juan Carlos

Hurtado-Trasvina had several vehicles registered to him that were being used during BNSF train burglaries to include the Ford F350 box truck.

Francisco Javier HURTADO-TRASVINA

21. Your Affiant conducted law enforcement checks and learned HURTADO-TRASVINA is a Mexican citizen from Sinaloa, Mexico. HURTADO-TRASVINA was voluntarily removed from the United States to Mexico in 2008 and is present in the United States illegally.

Juan Pablo MARTINEZ-MANCINAS

22. Your Affiant conducted law enforcement checks and learned MARTINEZ-MANCINAS is a Mexican citizen from Sinaloa, Mexico. MARTINEZ-MANCINAS was voluntarily removed from the United States to Mexico in 2020 and is present in the United States illegally.

CONCLUSION

23. For these reasons, your Affiant submits that there is probable cause to believe Francisco Javier HURTADO-TRASVINA and Juan Pablo MARTINEZ-MANCINAS committed the crime of Possession or Receipt of Goods Stolen from Interstate Shipment, in violation of Title 18, United States Code (U.S.C.) § 659.


24. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Chris Foster 06-27-2024

CHRIS FOSTER
Special Agent
Homeland Security Investigations

Sworn to and subscribed electronically this 27th day of June, 2024.

**Camille D.
Bibles**



Digitally signed by Camille
D. Bibles
Date: 2024.06.27 20:52:36
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HONORABLE CAMILLE D. BIBLES
United States Magistrate Judge